



VICTORIA GOVERNMENT GAZETTE.

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[1942

Factories and Shops Acts.

DETERMINATION OF THE CYCLE TRADE BOARD.

NOTES.—(a) This Determination applies to the whole of the State of Victoria.

(b) RE APPRENTICES OR IMPROVERS.—On the 5th March, 1930, the trade of motor cycle mechanic was proclaimed an Apprenticeship Trade under the Apprenticeship Act 1927, and, so far as the Metropolitan District is concerned, the provisions of that Act and the Regulations thereunder determine the conditions of employment of apprentices indentured after 5th March, 1930, and of improvers permitted to enter the trade after 20th November, 1929.

These provisions, however, do not affect indentures of apprenticeship entered into before 5th March, 1930, or improvers employed prior to 20th November, 1929.

Particulars of such Regulations may be obtained on application to the Secretary, Apprenticeship Commission, Gisborne-street, Melbourne. Price, 3d.

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board which, since 15th November, 1937, has had the power "to determine the lowest prices or rates which may be paid to any person or persons or classes of persons wheresoever employed in any process, trade, or business connected with or incidental to—

(a) the making or repairing of bicycles, tricycles, or motor cycles, or

(b) the making or repairing of any part or parts (other than tyres or engines) of a bicycle, tricycle, or motor cycle,

but not including any process, trade or business subject to the Determination of any Wages Board heretofore appointed, has made the following Determination, namely:—

(1) That on the 1st January, 1942, the last previous Determination of this Board shall be revoked and replaced by this Determination.

(2)

| (a) *Apprentices. | | (b) *Improvers. | | (c) Other Employees. | |
|--|------------|--|------------|---|----------|
| Weekly Wages. | | Weekly Wages. | | Weekly Wages. Day Shift. | |
| s. d. | | s. d. | | s. d. | |
| 1st year | 20 0 | 1st year | 19 3 | Foremen, where over five adults are employed | .. 127 6 |
| 2nd " | 25 3 | 2nd " | 24 3 | Foremen, where five adults or fewer are employed | .. 125 3 |
| 3rd " | 39 6 | 3rd " | 38 0 | Lathe hands | .. 124 0 |
| 4th " | 57 9 | 4th " | 55 6 | Builders and repairers of motor cycle frames and frames other than cycle frames | .. 114 3 |
| 5th " | 76 6 | 5th " | 73 6 | Builders or repairers or brazors of cycle frames | .. 112 0 |
| And thereafter, until attaining the age of 21 years, four-fifths of the journeyman's rate. | | And thereafter four-fifths of the journeyman's rate. | | Other repairers of motor cycles (except lathe hands) | .. 114 3 |
| PROPORTION (IN ANY PLACE). | | Provided that any improver who commences at the trade after attaining the age of 17 years shall be paid 20 per cent. in addition to the above rates. | | Other repairers (except lathe hands) | .. 112 0 |
| One apprentice to every three or fraction of three persons receiving not less than 102s. per week. | | PROPORTION (IN ANY PLACE). | | Assemblers of motor cycles | .. 112 0 |
| | | One improver to one person receiving not less than 102s. per week, two improvers to two or three such persons, thereafter two additional improvers to every three additional such persons. | | Other assemblers | .. 106 6 |
| | | | | Filters on motor and other cycles | .. 106 6 |
| | | | | Wheel-builders on motor and other cycles | .. 106 6 |
| | | | | Foremen in rim-making | .. 116 6 |
| | | | | All others employed in rim-making | .. 106 6 |
| | | | | Persons cleaning off joints by sand-blasting or by shot-blasting | .. 106 6 |
| | | | | Handle-bar benders— | |
| | | | | By the mandrel method | .. 102 0 |
| | | | | By any other method | .. 106 6 |
| | | | | Persons not provided for otherwise | .. 96 0 |

* Except those covered by the Apprenticeship Act.

(3) ORDINARY WEEK'S WORK.—The number of hours which shall constitute an ordinary week's work shall be 44. Provided that, in any place where the principal work carried on is incidental to and directly connected with the employer's retail business, not more than two persons may be employed for a maximum of 46 hours per week without payment of overtime rates.

(4) SHIFTS.—

(a) *Day Shift.*—The hours of duty shall not exceed $8\frac{1}{2}$ hours per day for five days, and $4\frac{1}{2}$ hours on the day on which the statutory weekly half-holiday is observed locally, and shall be worked between the hours of 7 a.m. and 1 p.m. on the day upon which the statutory weekly half-holiday is observed locally, and between 7 a.m. and 6 p.m. on the other working days of the week.

(b) *Afternoon, Night, or Other Shift.*—i. *Hours.*—The hours of duty on any shift other than a day shift shall be arranged mutually between the employer and the majority of the employees providing that $9\frac{1}{2}$ hours shall be the maximum duration of such a shift.

ii. *Wages.*—The following percentages shall be added to the rates fixed for the day shift:—

| | |
|---|--------------------------|
| During the first month's employment on such shift | 10 per cent. |
| Thereafter | $7\frac{1}{2}$ per cent. |

A statement, setting out the ordinary daily working hours, shall be displayed conspicuously in the workshop.

(5) *CRIB TIME.*—Where three shifts are worked, shift workers shall be allowed, after four hours' work, a crib time of twenty minutes without deduction of pay therefor.

(6) *OVERTIME.*—

(a) For all work done (i) outside the ordinary working hours on any day or shift, or (ii) within the ordinary working hours on any day or shift but in excess of the number of hours fixed in clause (3), the rate of wages shall be time and a half for the first four hours and double time thereafter, such double time to continue to be paid until an employee has been relieved from work for at least eight hours.

(b) Except as provided in the preceding sub-clause, in computing overtime each day's work shall stand alone.

(c) Any employee working overtime for a longer period than two hours shall be allowed twenty minutes' crib time (without deduction of pay) after the completion of his ordinary shift and after each additional four hours of work, unless a mutual agreement has been made for the taking of a longer period of rest without pay.

(7) *FIVE-DAYS' WEEK.*—Notwithstanding anything contained in clause (4) the ordinary week's work may be completed in five days, provided that the employer and the majority of his employees concerned mutually agree in writing.

(8) *CONTRACT OF EMPLOYMENT.—Weekly Employment.*—(a) Except as hereinafter provided, employment shall be by the week. Any employee not specifically engaged as a casual employee shall be deemed to be employed by the week.

(b) Employment shall be terminated by a week's notice on either side given at any time during the week or by the payment or forfeiture of a week's wages, as the case may be. This shall not affect the right of the employer to dismiss any employees without notice for malingering, inefficiency, neglect of duty or misconduct, and in such cases, the wages shall be paid up to the time of dismissal only, or to deduct payment for any day the employee cannot be usefully employed because of any strike or through any breakdown in machinery or any stoppage of work by any cause for which the employer cannot reasonably be held responsible.

(c) An employee not attending for duty shall, except as provided by clause (9), hereof, lose his pay for the actual time of such non-attendance.

(d) *Casual Employment.*—A casual employee is one engaged and paid as such. A casual employee for working ordinary time shall be paid per hour one-fourth of the weekly rate prescribed by this determination for the work which he or she performs.

(9) *SICK LEAVE.*—(a) An employee on weekly hiring who is absent from his work on account of personal illness, or on account of injury by accident arising out of and in the course of his employment, shall be entitled to leave of absence, without deduction of pay, subject to the following conditions and limitations:—

(i) He shall not be entitled to paid leave of absence for any period in respect of which he is entitled to Workers' Compensation.

(ii) He shall prove to the satisfaction of his employer (or in the event of dispute, of the Secretary for Labour) that he was unable on account of such illness or injury to attend for duty on the day or days for which sick leave is claimed.

(iii) He shall not be entitled in any year (whether in the employ of one employer or of several) to leave in excess of 44 hours of working time.

For the purpose of administering paragraph (ii) of this sub-clause an employer may, within one month of this determination coming into operation or within two weeks of the employee entering his employment, require an employee to make a sworn declaration or other written statement as to what paid leave of absence he has had from any employer during the then current year; and upon such statement the employer shall be entitled to rely and act.

(b) Notwithstanding anything contained in sub-clause (a) hereof an employee suffering injury through an accident arising out of and in the course of his employment (not being an injury in respect of which he is entitled to Workers' Compensation) necessitating his attendance during working hours on a doctor, chemist or trained nurse, or at a hospital, shall not suffer any deduction from his pay for the time (not exceeding four hours) so occupied on the day of the accident, and shall be reimbursed by the employer all expenses reasonably incurred in connexion with such attendance.

10 *ANNUAL LEAVE.*—(a) A period of seven consecutive days' leave shall be allowed annually to all employees after twelve months' continuous service (less the period of annual leave) in any one or more of the occupations to which this determination applies.

(b) In addition to the leave hereinbefore prescribed, seven day shift workers, that is shift workers who are rostered to work regularly on Sundays and holidays shall be allowed seven consecutive days' leave including non-working days.

(c) Where an employee, with twelve months' continuous service is engaged for part of the twelve monthly period as a seven day shift worker, he shall be entitled to have the period of seven consecutive days' annual leave prescribed in sub-clause (a) of this clause increased by half a day for each month he is continuously engaged as aforesaid.

(d) Annual leave shall be given at a time fixed by the employer within a period not exceeding six months from the date when the right to annual leave accrued, and after not less than one week's notice to the employee, provided that the giving of annual leave may, with the consent of the Secretary for Labour, be postponed for a period to be specified in cases where the exigencies of the war render it impracticable to give it within the said period of six months:

(e) An employer may allow annual leave to an employee before the right thereto has accrued due, but where leave is taken in such a case, a further period of annual leave shall not commence to accrue until after the expiration of the twelve months in respect of which annual leave had been taken before it accrued.

(f) If after six months' continuous service in any qualifying twelve-monthly period, an employee leaves his employment or his employment is terminated by the employer through no fault of the employee, the employee shall be paid one-sixth of a week's wage in respect of each completed two months of continuous service in respect of which leave has not been granted hereunder.

(g) Each employee before going on leave shall be paid a week's wage except a seven-day shift worker, who shall be paid for the period of additional leave allowed in his case the amount of wages he would have received for that period if he had not been on such leave. For the purpose of this sub-clause and sub-clause (f) hereof the week's wage shall be at the rate prescribed by clause (2) of this determination for the occupation in which the employee was ordinarily employed immediately prior to the commencement of his leave or the termination of his employment, as the case may be. Payment in the case of employees employed on piece or bonus work or any other system of payment by results shall be at time rates.

(h) The annual leave provided for by this clause shall be allowed and shall be taken and, except as provided by sub-clause (f), hereof, payment shall not be made or accepted in lieu of annual leave.

(i) Where leave has been granted to an employee pursuant to sub-clause (e), hereof, before the right thereto has accrued due and the employee subsequently leaves or is discharged from the service of the employer before completing the twelve months' continuous service in respect of which the leave was granted, the employer may, for each two complete months of the qualifying period of twelve months not served by the employee, deduct from whatever remuneration is payable upon the termination of the employment one-sixth of the amount of wage paid on account of the annual leave, which amount shall not include any sums paid for any of the holidays prescribed by clause (11) of this determination.

(j) Service before the date of this determination shall be taken into consideration for the purpose of calculating annual leave, provided that the employee shall not be entitled to leave or to payment in lieu thereof for any period in respect of which leave or a payment in lieu thereof has been allowed or made under the Determination hereby rescinded.

(k) For the purposes of this clause service shall be deemed to be continuous notwithstanding—

- (i) any interruption or determination of the employment by the employer if such interruption or determination has been made merely with the intention of avoiding obligations hereunder in respect of leave of absence;
- (ii) any absence from work on account of sickness or accident, and in calculating the period of twelve months' continuous service absence on account of sickness or accident to the extent of fourteen days in any twelve months shall be deemed to be part of the period of continuous service.

(l) The annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed by clause (11) of this determination, and if any such holiday falls within an employee's period of annual leave, there shall be added to that period one day for each such holiday falling as aforesaid.

(m) For the purpose of this clause, a month shall be reckoned as commencing with the beginning of the first day of the employment or period of employment in question, and as ending at the beginning of the day which in the latest month in question has the same date number as that which the commencing day had in its month, and if there be no such day in such subsequent month, shall be reckoned as ending at the end of such subsequent month.

(n) Where the employer is a successor or assignee or transmittee of a business, if an employee was in the employment of the employer's predecessor at the time when he became such successor or assignee or transmittee, the employee in respect of the period during which he was in the service of the predecessor, shall for the purpose of this clause be deemed to be in the service of the employer.

(11) **SPECIAL RATE FOR SUNDAYS AND PUBLIC HOLIDAYS.**—Double time shall be the rate for all work done on Sunday, New Year's Day, Australia Day (26th January), Good Friday, Easter Monday, Labour Day (21st April), Christmas Day, or Boxing Day, but if any other day be by Act of Parliament or Proclamation substituted for any of the above-named holidays the special rate shall be payable only for work done on the day so substituted.

(12) **WORK GIVEN OUT.**—(a) For the purposes of this Determination, every person or body of persons who issues, gives out, or authorizes or permits to be issued or given out any material whatsoever for the purpose of being wholly or partly prepared or manufactured by any process or processes subject to the jurisdiction of this Board, notwithstanding the fact that the person to whom the material is issued or given out supplies additional material, shall be deemed to be the employer of the person to whom such material is issued or given out.

(b) Every employer within the meaning of this clause shall keep a record book, which shall contain a correct account written in ink as follows:—

- (i) The name and full address of the person to whom material is issued or given out;
- (ii) The number of articles and description of work issued or given out;
- (iii) The time spent in carrying out and the price paid for such work;
- (iv) The record book shall be signed each week by each person to whom material is issued or given out, verifying the accuracy of the amount of wages received.

(c) The record book mentioned in the preceding sub-clause shall be open for inspection at any time by any authorized officer of the Department of Labour.

(13) **SUPPLY OF MILK.**—Any person engaged for the greater part of his day's work at cleaning off joints by any method other than filing, shall be supplied free of charge by the employer with one pint of milk each day he is so engaged.

(14) **MISCELLANEOUS PROVISIONS:—**

(a) *Tools.*—The employer shall provide for each employee all necessary tools.

(b) *Sanitation, &c.*—The employer shall provide proper washing and sanitary conveniences. In any workshop in which employees, through a shop steward or committee, ask for the provision of lockers, and an undertaking is given that the lockers will be properly cared for, a locker shall be installed by the employer for each workman.

(c) *Protective Apparatus.*—Suitable asbestos sheets and coloured glasses shall be provided by the employer for the protection of electric arc and oxy-acetylene operators and their assistants, and suitable mica or other goggles for emery-wheel operators.

(15) **DEFINITIONS.**—

- (a) "Afternoon Shift" shall mean any shift finishing after 6 p.m., but not later than midnight.
- (b) "Night shift" shall mean any shift finishing later than midnight, but not later than 8 a.m.

R. J. EDWARDS, Chairman.

REX. L. CECIL, Secretary.

Melbourne, 17th December, 1941

